GENERAL AND REVENUE SECRETARIAT.

1905

(Courts.)

File No. 62

Serial Nos: ~~1 to 3~~ 4 & 5.

Papers Filed.

Month October 1905

SUBJECT.

Liability of Palace stipends to attachment for debts.

PREVIOUS REFERENCES.	LATER REFERENCES.
Same file, Sl: nos 1 to 3, R-9-05.	

G. R. S. 111. 1905-06

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

62

File. No ~~62~~

FILE HEADING.

Liability of Palace stipends to attachment for decrees.

From

The Revenue Commissioner in Mysore.

No. 3013. Dated 22-9-05 Received 25-9-05.

Diary No. 1758	Enclos. 4.	Spare Copies.	Serial No. 4

BRIEF ABSTRACT OF LETTER.

Forwards for orders the Mysore Dy Comm^r's letter No. 303, d/6-9-05 submitting copies of correspondence that passed between himself and the Dt Judge of Mysore re: the attachment of the Palace pension of Mr. C. Devaraj Urs, Asst Comm^r, Hunsur Dv.

NOTES AND ORDERS.

Perhaps a copy of the order recently passed in appl may be forwarded to the Rev. Comm^r for the Dy Comm^r's information. Submitted with a draft for approval & thereafter

J. K. S. 26-9-05. R. R. 26-9-05.

Secy (Ad) K. S. C. 27-9-05.

Passed.
(Ad) B. K. V.
27-9-05

NOTES—First sheet.

MGCPB—30,000—17-2-05.

Serial No.

5. No. 1004, dated 2nd October 1905, to the Revd: Commr: in Mysore.

Forwards for the information of the Dy Commr a copy of Govt Proc: No. J 737-8, d/7-9-05, (Sl no. 3.) exempting allowances from attachment as being of the nature of political pensions.

Hero / the Revenue Commissioner
to Mysore
~~189~~ 1905 J758

From H. A. Sparkes Esq
Deputy Commissioner
Mysore district

To B. K. Venkatavaradengar
Secretary to the Govt of
Mysore Genl & Rev Departts

Dated 6
9 September 1905:

Despatched

Received

General No. 303
No.

Enclosure No. 4

Submits for orders Copies of Communications from & to district Officers re the Service of a notice upon Mr C Devaraj Hon Asst Commr Nanjan &c.

Office of the Rev Commr
in Mysore.

File No 62-05
Sl: no. 4

Memo J758

No 3013 dated 22/23 Sepr 05.

III
Rule
24-9-05

(Courts) 25.9.05
forwarded.

Chairman Rege

for Revenue Commr

(Thro the Revl Commissioner)

No 303

EE 4

Deputy Commissioners office
Mysore District, Dated the
6th September 1905

To

B. K. Venkatavaradaa Iyengar Esqre
Secretary to the Government of Mysore
General and Revenue departments
Bangalore.

Sir,

In submitting herewith for
reference copies of correspondence
ending with this office letter no 682
of the 5th September 1905 to the
address of the District Judge,
Mysore, I have the honor to state
that a notice in duplicate in
Civil Misc no 13 of 1905-1906
on the file of the Principal
Munsiff of Mysore was sent to
me for service upon the judgment
debtor (M. C. Devaraj Urs Assistant
Commissioner), but, as the hay
viz Rs 26, mentioned therein as
due to M. C. Devaraj Urs her
Mensem from the Palace, was
found not liable to be attached
under

under clause (g) of section 266
of the Civil Procedure Code, the
attention of the Munsiff was
invited, and which led to the
correspondence now under reference.
The District Judge says that, without
a special declaration by the
Government, he is unable to concur
with me in thinking that the political
pension in question is not liable to
attachment. As I am still doubtful
upon this matter, I beg to submit
the matter for favour of Government
decision for future guidance. The
original notice was, however, been
served upon Mr. C. Devaraj Urs
and returned to the District Judge.

I have the honor to be,
Sir,
your most obedient Servant

Deputy Commissioner
Mysore District

1905—

~~189~~

From

H. A. Sparkes. Esquire
Deputy Commissioner
Allypore Distt.

To M. Ramaswamiah Esqr;
B.A. B.L.
District Judge Allypore

Dated 5th September 1905—

Despatched

Received

General No. 682.
No.

Enclosure No. 1.

Sir,

In reply to your letter no: 5·32/61 of the 29th August 1905, I have the honor to return herewith the original notice duly served upon the judgment-debtor (Mr: C. Divaraj urs) in his no: 13 of 1905: of the file of the Principal Munsif of Allypore and to state that as I am

still

still doubtful on the legal point referred to in the above, the matter will be submitted to Government for decision.

I have the honor to be.
Sir
Your most obedient Servt.

(Sd). H. H. Sparkes
Deputy Commissioner
Mysore Distt.

"Copy"

H. H. Sparkes
Deputy Commissioner
Mysore District

From

M. Ramaswami Iyer Esqre
B.A. B.L.
District Judge Mysore

To The Deputy Commissioner
Mysore District

Dated 29th August 1905

Despatched

Received

General No. 532
No. 61

Enclosure No.

Sir,

With reference to your letter no. 597 dated 25th/26th instant, I have the honor to state that I cannot understand upon what authority you assert that the allowance in question is a political pension. I know that under section 11 of the Pensions Act, pensions granted by the Court of Mysore on political Considerations are not liable to seizure attachment or sequestration at

at the instance of a creditor.
I have to repeat again what
I stated in my previous letter
that without a special declaration
by the Government, I am unable
to concur with you. I would therefore
request you to reconsider the
matter once more and to have
the kindness to serve the notice
upon the Judgment-debtor who
is your subordinate at your earliest
possible convenience and return
it to this Court.

I have the honor to be,
Sir,
your most obedient servant.
signed/ B. Ramaswami Iyer
District Judge

"Copy"

[illegible]
Dy Commissioner
for Mysore District

189 5

From The Dy Commissioner
Mysore District

To The District Judge
Mysore District

Dated 22nd August 05

Despatched 26

Received

General No. 397.
No.

Enclosure No.

Sir,

With reference to your letter no 409/48 of 18th idem, forwarding for service on Mr C Devarajiah, Assistant Commr in charge of the Hunsur Division, prohibitory notice (in duplicate) for the attachment of his monthly allowance of Rs 265- from the Palace, I have the honor to state that this is evidently a political pension falling under Clause 4 of Section 266 Civil Procedure Code

Code, and as such not liable to attachment.

2. The Enclosures of his letter under reference are returned herewith.

I have the honor to be,
Sir,
Your most obedient Servant

Signed/ H. H. Starkes
Commissioner.

"Copy"

H. H. Sparks
Commissioner
Mysore State

1905

~~189~~

From
M. Ramaswami Iyer Esqre
B.A.B.L.
District Judge
Mysore Division

To H. H. Clarkes Esqre
Deputy Commissioner
Mysore District

Dated 18th August 1905

Despatched

Received

General No. 409
No. 48

Enclosure No.

Sir,

I have the honor to forward for your perusal and obtaining return in original the letter of the Principal Munsiff, Mysore, with its enclosure re the attachment of the Palace monthly allowance of Rs 125/- of Mr. C. Devaraj Urs and to state that clause 8 of section 266 of the Civil Procedure Code refers only to the salary of a public officer and not to allowance of this kind. Under clause

clause 5 of the said section political pensions are exempted from attachment and it is a question to be determined after investigation whether this allowance is such a pension, while under clause 11 only allowances declared by any law passed by the Government of Mysore are to be exempt from liability to attachment or sale in execution of a decree are exempted. I am not aware of any such law or rule having the force of law. Moreover it is for the judgment debtor to take the objection if any before the Judge who passed the orders. I would therefore request you to be good enough to serve the enclosed notice upon him and return it to this Court.

I have the honour to be,
Sir,
Your most obedient Servant.

signed/ M. Ramaswamiyer
District Judge
Mysore Division

"
Copy
4

Attested

Dy Accountant
for Mysore District

G.R.S. 26]

File No. 62
Serial No 45

Diary No. of letter replied to _____

No. 1004.

General and Rev. Secretariat
(Courts)
the 190 .

To

The Revenue Commissioner in Mysore.

Date of issue 2-10-05.

Signed by Dy. Secretary

Sir,

With reference to your endorsement No. 3013 of the 22nd Sept 1905 on letter No. 303 of the 6th Dec from the Deputy Commissioner of Mysore, regarding the service of a notice issued by the Principal Munsiff of Mysore on Mr. C. Devaraj Urs, Asst Commr, ~~Hunsur Division~~, for the attachment of the latter's palace allowance of Rs 200/- in satisfaction of a Court decree, I am directed to forward herewith, for the Dy Commissioner's information, a copy of Govt Prog No. 7331-8 C 62-3 of the 7th Sept 05, declaring & exempting such allowances ~~are exempt~~ from attachment as being of the nature of political pensions.

I have &c

27.9.05
for Secretary

SUBJECT

26/9/05

26.9.05